

ENTERED

January 14, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Gaylon Caldwell,

Plaintiff,

§

§

§

§

§

§

v.

Civil Action H-21-1365

Harris County, Texas,
Defendant.

§

§

§

ORDER DENYING MOTION FOR SANCTIONS

Plaintiff seeks sanctions against Harris County alleging that Harris County purposefully destroyed video evidence that is key to Plaintiff's case. He seeks to have the court draw an adverse inference against Harris County. The motion is premature. There are no dispositive motions pending and the case is not yet set for trial. There is no context in which the court can currently draw an adverse inference. Moreover, the motion is not supported by any evidence. The response, which disputes all of Plaintiff's contentions, is also not supported by a declaration to support the factual assertions made therein. The court therefore denies the motion without prejudice to it being reasserted after completion of discovery along with any other dispositive motions that might be filed.

Signed at Houston, Texas, on January 13, 2022.



Peter Bray
United States Magistrate Judge